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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA Commercial Mortgage Company,

Debtor.

Case No. BK-S-06-10725-LBR

Chapter 11

**NOTICE OF HEARING RE
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM
BASED UPON AN INVESTMENT IN
HESPERIA II LOAN**

Hearing Date: September 30, 2011

Hearing Time: 9:30 a.m.

Estimated Time for Hearing: 10 minutes

**THE USACM LIQUIDATING TRUST IS OBJECTING IN PART TO THE
CLAIM THAT YOU FILED. TO THE EXTENT YOUR CLAIM IS BASED UPON
AN INVESTMENT IN THE HESPERIA II LOAN, THE USACM TRUST SEEKS
TO DISALLOW 80% OF YOUR CLAIM AND ALLOW 20% OF YOUR CLAIM.
THE USACM TRUST CONTENDS THAT YOU DO NOT HAVE A
COMPLETELY VALID CLAIM BASED UPON YOUR INVESTMENT IN THIS
LOAN BECAUSE YOU TOOK A KNOWN AND OBVIOUS RISK IN MAKING
THAT INVESTMENT AND USACM DID NOT GUARANTEE REPAYMENT OF
THAT LOAN. THIS OBJECTION WILL NOT IMPACT YOUR CLAIM TO THE
EXTENT IT IS BASED UPON AN INVESTMENT IN A DIFFERENT LOAN.**

PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY COURT TO DISCUSS THE MERITS OF YOUR CLAIM. QUESTIONS REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM SHOULD BE DIRECTED TO BRANT FYLLING AT SIERRA GROUP CONSULTING, LLC (602-424-7009) OR TO UNDERSIGNED COUNSEL, JOHN HINDERAKER (520-629-4430).

NOTICE IS HEREBY GIVEN that the USACM Liquidating Trust, by and through its counsel, has filed its Omnibus Objections to Proofs of Claim Based Upon Investment in the Hesperia II Loan (with Certificate of Service) (the “Objection”). Your Proof of Claim number and other information regarding your claim is provided in **Exhibit A**, attached to the Objection. The USACM Liquidating Trust has requested that this Court enter an order, pursuant to section 502 of title 11 of the United States Code (the “Bankruptcy Code”) and Rule 3007 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), disallowing 80% and allowing 20% of your Proof of Claim to the extent it is based upon an investment in the Hesperia II Loan. The Objection will not impact your Claim to the extent it is based upon an investment in a different loan.

NOTICE IS FURTHER GIVEN that the hearing on the Objection will be held before the Honorable Linda B. Riegle, U.S. Bankruptcy Court Judge in the Foley Federal Building, 300 Las Vegas Blvd. South, 3rd Floor, Courtroom No. 1, Las Vegas, Nevada on **September 30, 2011, at the hour of 9:30 a.m.**

NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON SEPTEMBER 30, 2011, WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND SCHEDULING EVIDENTIARY HEARINGS ONLY. NO ARGUMENTS WILL BE HEARD ON THAT DATE.

NOTICE IS FURTHER GIVEN that pursuant to Local Rule 9014(d), any response to the objection must be filed and service must be completed no later than

fourteen (14) days preceding the hearing date. The opposition must set forth all relevant facts and any relevant legal authority.

If you object to the relief requested, you *must* file a **WRITTEN** response to this pleading with the Court. You *must* also serve your written response on the person who sent you this notice.

If you do not file a written response with the Court, or if you do not serve your written response on the person who sent you this notice, then:

- The Court may *refuse to allow you to speak* at the scheduled hearing; and
- The Court may *rule against you* and sustain the objection without formally calling the matter at the hearing.

Dated: August 8, 2011

LEWIS AND ROCA LLP

By s/ John Hinderaker (AZ #018024)

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John Hinderaker, AZ 18024 (*pro hac vice*)

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Attorneys for the USACM Liquidating Trust

Copy of the foregoing and pertinent portion of Exhibits deposited in first class postage prepaid U.S. Mail on August 8, 2011 to all parties listed on Exhibit A attached.

LEWIS AND ROCA LLP

s/ Matt Burns

Matt Burns, Paralegal